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KANSAS VOLUNTARY CLEANUP AND PROPERTY REDEVELOPMENT PROGRAM

1.0 Introduction

The Voluntary Cleanup and Property Redevelopment Act was enacted by the Kansas Legislature, endorsed by the Governor, and became law on July 1, 1997 (Kansas Statutes Annotated 65-34,161 through 65-34,174). The law resulted from a 1997 initiative of Governor Bill Graves to statutorily address the issues associated with buying, selling or developing environmentally contaminated properties. Rules and regulations to implement the law were adopted on June 26, 1998 (Kansas Administrative Regulations 28-71-1 through 28-71-12). The Voluntary Cleanup and Property Redevelopment Program (VCPRP) was created to implement the new law, and is administered by the Kansas Department of Health and Environment (KDHE) Bureau of Environmental Remediation (BER).



Actual or potential environmental contamination may make otherwise appealing properties unattractive to prospective buyers and lenders.

The VCPRP provides a mechanism for property owners, facility operators, prospective purchasers, and local governments to voluntarily address contaminated properties with technical and regulatory guidance from KDHE. As part of the program, stakeholders performing cleanup of contaminated properties that meet criteria set out in the law can receive a No Further Action determination from KDHE that can provide protection from potential environmental liabilities for known contamination. Adjacent property owners who did not contribute to the contamination may also receive protection concerning known contamination from KDHE through such determinations. These determinations provide assurance that the remediated properties will not become the subject of future KDHE enforcement action. In addition, KDHE entered into a Memorandum of Agreement (MOA) with the Environmental Protection Agency (EPA) to provide voluntary parties with assurance of relief from future federal liability at their property as long as approved voluntary action is completed. The MOA was executed on March 2, 2001. A copy of the MOA is included within this manual for reference.

Participation in the VCPRP is voluntary. Thus, the program allows a voluntary party to terminate their participation at any point by written notification to KDHE provided that the property is left in no worse condition from a human health and environmental perspective than when the property was accepted into the VCPRP.



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Voluntary parties that are accepted into the VCPRP follow a streamlined process to address contamination at their property in an expeditious manner to encourage the redevelopment or enhancement of the property. Clearly defined cleanup standards are provided to the voluntary party early in the program so the time and costs involved in cleanup, or the necessity for cleanup, can be determined in advance.

The VCPRP is designed so industries and businesses may properly address contaminated properties through a private and state partnership. The voluntary nature of the program benefits owners, real estate purchasers, developers and lending institutions; at the same time, the program benefits the environment and public interest through the identification and cleanup of contaminated properties.

1.1 Applicant

Any person or entity that has title, control or access to a property with threatened, suspected or known environmental contamination is potentially eligible to participate in the VCPRP.

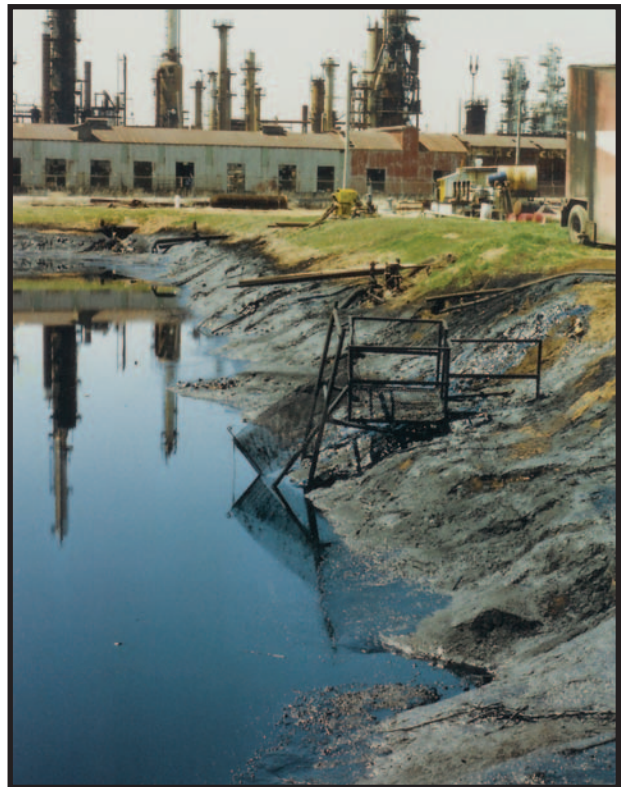
1.2 Eligibility

The determination of an eligible property will be based on all documentation that is submitted with the VCPRP application, and any available technical and scientific information in KDHE's files specific to the property. Properties that are not eligible to participate in the VCPRP include the following:

- 1) Properties that are listed or proposed for listing on the federal National Priorities List established under the Comprehensive Environmental



Urban industrialized areas, commonly referred to as Brownfields, have been targeted by both State and Federal redevelopment initiatives.



Even grossly contaminated properties may be eligible for participation in the VCPRP if they do not represent an immediate threat to human health or the environment.

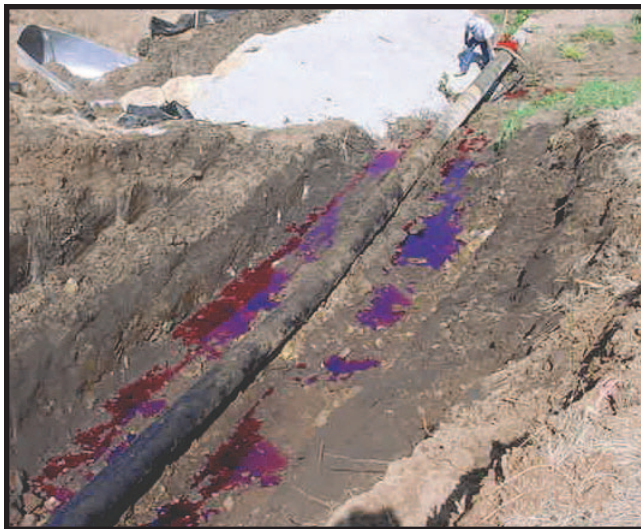


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Response, Compensation and Liability Act of 1980 (CERCLA) as amended by the Superfund Amendments and Reauthorization Act of 1986 (SARA);

- 2) Properties that are currently under an existing environmental enforcement action, order or agreement with city, county, state or federal governmental agencies;
- 3) Properties which have or should have a permit pursuant to the Resource, Conservation and Recovery Act of 1976 (RCRA), which contains a corrective action component;
- 4) Properties that have been contaminated by oil and gas activities which are regulated by the Kansas Corporation Commission; and,
- 5) Properties that present immediate and significant risk to human health and the environment, including public and private drinking water supplies.

When a property has been determined to be eligible for the VCPRP, the applicant will be referred to as the “voluntary party”.



Emergency actions in response to catastrophic releases have typically been completed prior to making application to the VCPRP.



Even residential properties are not immune to threat of impact from contamination.



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1.3 Application Process

The first step in the application process is to complete and submit an application package which consists of the application form, a non-refundable \$200 application fee, and all supporting documentation. The application form is titled, "Application to Participate," and is located in Section 5 of this document. Completed application forms should be submitted to:

VCPRP Coordinator
Kansas Department of Health and Environment
Bureau of Environmental Remediation
1000 SW Jackson, Suite 410
Topeka, Kansas 66612-1367

The completed application form and environmental information will be used by KDHE for screening purposes only to determine an applying property's eligibility for participation in the VCPRP. KDHE has 60 days from receipt of a completed application to make an eligibility determination. The applicant will be notified by KDHE in writing of the determination.

Incomplete applications may be returned to the applicant for revisions or corrections. It is important to complete the application package accurately the first time or upon the first revision. A second revision will not be reviewed without an additional non-refundable application fee of \$200.

1.4 Classification of Contamination

Once a property is determined by KDHE to be eligible to participate in the VCPRP, an initial classification of the level of contamination at the eligible property will be made by KDHE. Based on the information contained in the application, the property will be placed into one of four categories as defined in the regulations (K.A.R. 28-71-5). These categories include:

- 1) Class I - for an eligible property with suspected or confirmed contamination, where the subject property is not a source of contamination;



Decades of neglect may be addressed through the VCPRP to restore property to productive use.



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- 2) Class II - for an eligible property with suspected or confirmed soil contamination, no known or suspected soil contamination emanating off the property and no ground water contamination;
- 3) Class III - for an eligible property with suspected or confirmed soil and/or ground water contamination but no off-property contamination; and,
- 4) Class IV - for an eligible property with suspected or confirmed soil and/or ground water contamination both on and off the property.

This classification system is designed to provide flexibility to the overall voluntary process. Properties with minimal on-property contamination are not required to meet the same requirements as properties with on- and off- property contamination. KDHE has developed a specific investigation Scope of Work for each of the classes that will facilitate a property-specific, expedited, and cost-effective response under the VCPRP. These Scopes of Work are presented in Section 9 of this document.

The property's eligibility and KDHE's classification of contamination will be conveyed to the applicant through written notification. All additional information obtained during the VCPRP process may be used by KDHE to re-evaluate the property's eligibility or classification of contamination.

1.5 Coordination With Other Programs

On receipt of a VCPRP application, KDHE will initiate communication with other programs within KDHE to ascertain property eligibility. Candidate properties will be reviewed to determine status relative to CERCLA, RCRA and other environmental enforcement programs. Candidate properties may be eligible for reimbursement from the Petroleum Storage Tank

Release Trust Fund, the Above-Ground Storage Tank Trust Fund, and the Dry Cleaner Trust Fund; however, these properties must meet the requirements of the respective laws and guidance even though they may also be eligible for the VCPRP. Properties eligible for the VCPRP that elect not to participate in an available trust fund will not be eligible for reimbursement from that trust fund for actions taken under the VCPRP.



Poor housekeeping practices may have left a property with a legacy of potential environmental liability.



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The VCPRP coordinates with other programs including the Brownfields Program for potentially contaminated properties owned or to be purchased by local units of government, not-for-profit organizations, or other quasi-governmental agencies across the state; KDHE's Environmental Use Control (EUC) Program for application of EUCs to VCPRP properties; and the Kansas Agricultural Remediation Board (KARB) for contaminated agricultural related properties. Additional information concerning the Brownfields Program, the EUC Program, and KARB can be found in Sections 18, 19, and 20, respectively.

1.6 Voluntary Agreement

Once a property has been determined eligible for the VCPRP, the voluntary party will be required to enter into a non-negotiable Voluntary Agreement with KDHE prior to commencing any work under the VCPRP at the property. The Voluntary Agreement describes all the terms and conditions for implementation of VCPRP activities. The Voluntary Agreement is non-binding, meaning that the voluntary party can terminate the agreement at any time, as



The extent and magnitude of contamination will be assessed through the VCPRP, including migration of contamination to surrounding properties.



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long as the environmental conditions on the property are not worse than when the application was initially submitted to KDHE. KDHE will not review activities pertaining to the property until the Voluntary Agreement has been executed and an initial deposit has been received by KDHE.

1.7 Deposits

The VCPRP was established as a “pay to use” program, meaning voluntary parties who have elected to participate in the program are required to pay for KDHE oversight of VCPRP activities for the eligible property. KDHE’s review and oversight assures work conducted in the VCPRP is consistent with the requirements of the rules and regulations for the program. Oversight and review by KDHE can include the following activities: 1) review of documents, studies, and test results; 2) necessary administrative decision making; 3) collection of confirmatory, duplicate soil and/or water samples; 4) visits to the property; 5) verification activities; and, 6) associated indirect costs. Indirect cost rates are based on departmental policy and are currently established at a rate of 22% for VCPRP oversight. Indirect rates may be adjusted periodically and are therefore subject to minor changes.



The VCPRP endorses the use of expedited site characterization methodologies.

The VCPRP law requires an initial cash deposit be paid to KDHE prior to commencing oversight of work at a property. The VCPRP regulations define the requirements for an initial deposit by the voluntary party on the basis of the property’s contamination classification as discussed in Section 1.4. Initial deposits for Class I properties will not exceed \$1,000. Initial deposits for Class II, Class III and Class IV properties will be \$3,000, \$4,000, and \$5,000, respectively. The VCPRP has developed policy to provide some flexibility in the amount of initial deposits for a group of properties applying to the program at the same time. The group of properties must meet certain criteria defined within the policy to qualify. Questions concerning provisions for grouped properties should be directed to the VCPRP Coordinator.

If KDHE oversight costs should exceed the amount of the initial deposit, the voluntary party will be notified and a supplemental payment will be required from the voluntary party before additional VCPRP activity may be conducted at the property. The amount of this additional fee will be agreed upon by the voluntary party and KDHE. Subsequent deposits may be provided



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by the voluntary party through quarterly billing by KDHE as costs accrue. Timely remittance of the reimbursements is required by law for a voluntary party's continued participation in the VCPRP.

Upon the completion of VCPRP activities, KDHE is required to refund the unused balance of initial and subsequent deposits to the voluntary party within 60 days of the mutual termination of the Voluntary Agreement.

1.8 Environmental Assessments

The primary reason for performing an environmental assessment of a property is to determine if the property has been contaminated with chemicals, waste material, etc., as a result of past operations or practices at the property and whether any environmental liabilities are associated



Historical material use and handling practices that were considered safe and appropriate at the time, such as certain chemicals formerly used to fumigate stored grain, may have caused environmental contamination that now poses a potential risk to human health and the environment.

with the property. A majority of these environmental assessments result from environmental "due diligence" in property transactions. Buyers and lenders often require a seller to perform an environmental assessment prior to the actual transaction to determine potential future environmental liabilities associated with the property.

Environmental assessments are typically performed in phases with each successive phase further reducing the inherent uncertainties in the evaluation process, i.e., the more property-specific data collected, the better the understanding of environmental conditions and liabilities associated with a property. The first phase (Phase I) of an environmental assessment is performed to identify evidence of prior contamination at the property. The Phase I assessment includes a records search and an initial property inspection. If a significant

likelihood of impact to the property from chemicals or hazardous wastes exists, the process advances to Phase II, or an intrusive study. In this phase, soil and water samples are collected from the property and analyzed to determine the presence or absence of contamination.

The VCPRP acknowledges environmental assessments that are prepared by a qualified environmental professional as defined in the VCPRP regulations (K.A.R. 28-71-1). The EPA has proposed Federal Regulations (40 CFR Part 312 - not yet final) establishing standards and practices for "All Appropriate Inquiries (AAI)". These proposed federal regulations, as drafted, include specific definition and provide minimum qualifications for an environmental professional performing environmental assessments relative to AAI. Once final, the AAI



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federal regulations may affect required qualifications for environmental professionals conducting environmental assessments in Kansas. Environmental assessments submitted to KDHE as part of a VCPRP activity must include the following information:



The use of trained and qualified environmental professionals can save time, money and headaches.

- 1) The legal description of the property and a map identifying the location, boundaries, and size of the property;
- 2) A description of the physical characteristics of the property and areas contiguous to the property, including the locations of any surface water bodies and ground water aquifers;
- 3) The locations of any water wells on the property or in an area within a half-mile radius of the property, and a description of the use of those wells;
- 4) An operational history of the property as reconstructed through the best efforts of the voluntary party, and the current land use in the vicinity of the property;
- 5) Present and proposed uses of the property;
- 6) Information concerning the nature and extent of any contamination;
- 7) Information on releases of contaminants that have occurred at the property including any impacts on areas in the vicinity of the property;
- 8) Any sampling results or other data that characterize the soil, ground water, or surface water on the property; and,
- 8) A description of the potential for human and environmental exposures to contamination at the property based upon the property's current use and any future use proposed by the property owner as approved by the local zoning authority.



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Environmental assessments are useful in providing preliminary information to KDHE concerning the environmental status of a property and must be submitted with the completed application package.

1.9 Determining The Need For Further Action

KDHE will review the application package and environmental assessment reports (if submitted) to determine the need for further action at the eligible property. KDHE's determination will be based on documented information provided by the voluntary party, information in KDHE's files pertaining to contamination in the vicinity of the eligible property, reconnaissance of the eligible property and other documentation sources. KDHE will use this information to make one of the following four determinations: 1) an additional investigation is required (Voluntary Cleanup Investigation); 2) cleanup is required (Voluntary Cleanup Proposal/Plan); 3) no further required action (No Further Action determination); or 4) referral of the property to a different state or federal program.



A vital element of any cleanup is the characterization and removal of any source materials that may remain on the property.

1.10 Voluntary Investigation

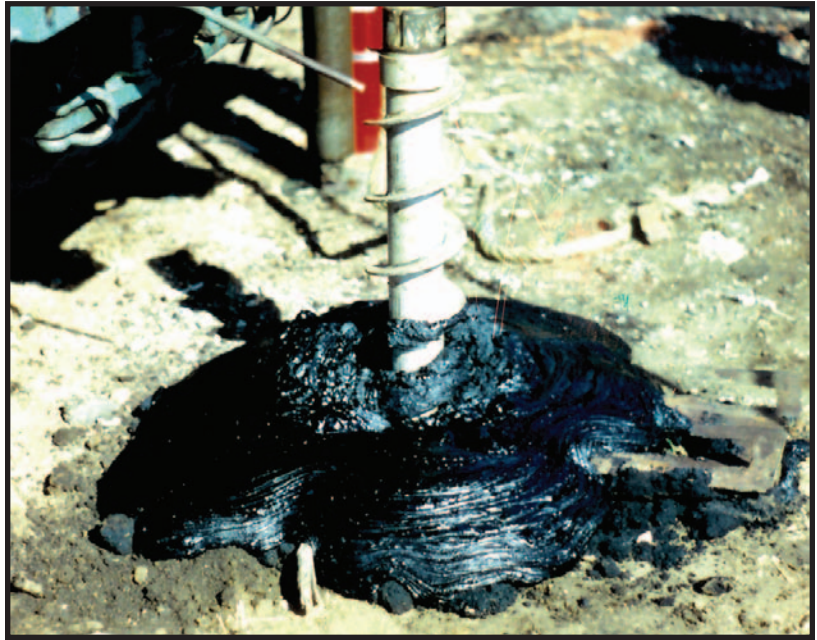
KDHE will review environmental information submitted with the application regarding the subject property. Based on this information, if it is determined that the contamination at a property has not been adequately characterized, a Voluntary Cleanup Investigation (VCI) will be required. The purpose of the VCI is to validate existing environmental information at a property and to provide additional data necessary to enable KDHE to properly evaluate the contamination and the potential risks to human health and the environment posed by the contamination. The VCI must be performed by a qualified environmental professional and environmental samples must be analyzed by a laboratory certified by KDHE. Prior to beginning the VCI, the selected environmental professional must submit a VCI work plan to KDHE in the format outlined in this guidance document. KDHE will review and approve the work plan before the investigation begins. KDHE approval of a submitted work plan will be based on the work plan meeting KDHE's information requirements for evaluating risk to human health and the



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environment and for developing a proposal for remediation, if required. Existing environmental assessments and the VCI must fulfill the following objectives to be approved by KDHE:



The significance of environmental impacts may not be readily apparent prior to implementing a thorough investigation.

- 1) Sources for contaminants have been adequately identified and investigated;
- 2) The vertical and horizontal extent of contaminants has been determined;
- 3) Human health and environmental receptors have been identified;
- 4) Potential risks and impacts to receptors have been evaluated; and,
- 5) Quality assurance and quality control have been maintained.



Voluntary investigations may include sampling of potential sources such as inconspicuous sewers, traps and sumps to identify where and how contaminants have been released at a property.

Generally, it is not necessary to repeat environmental assessments that were adequately performed previously at a property. Rather, the VCI should supplement existing data necessary for appropriate decision making. In some cases where previous investigations were conducted without KDHE's oversight, KDHE may request some limited verification sampling to verify the accuracy of data submitted. The VCI work plan will include a project schedule, a Quality Assurance Project Plan (QAPP), and a Health and Safety Plan (HASP). Qualified environmental consultants will most likely have standardized QAPPs and HASPs that may be modified to meet the needs of specific properties. Following the KDHE-recommended VCI work plan and report formats contained in this guidance document will expedite the review and approval process.



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Investigating and characterizing ground water contamination may be required at properties participating in the VCPRP.



Installation of permanent monitoring points may be required for long-term ground water cleanup and monitoring projects.

1.11 Voluntary Cleanup Proposal

If KDHE determines remediation is necessary to address the risks posed by the property, the voluntary party will submit a Voluntary Cleanup Proposal to KDHE for approval. The proposal will be based on a Scope of Work (refer to Section 13) that is provided by KDHE and should meet the following objectives:

- 1) Be protective of human health and the environment for documented present and future land uses;
- 2) Meet applicable state standards and guidelines for cleanup or meet property-specific standards established through the performance of the results of a risk analysis approved by KDHE;
- 3) Evaluate at least two remedial alternatives other than “no action” that are proven reliable and are economically and technically feasible; and,
- 4) Provide a description and evaluation of the voluntary party’s preferred remedial alternative.



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Effective July 1, 2003, the Kansas legislature enacted legislation effectively establishing the department's authority to develop an environmental use control program. Environmental use controls, commonly referred to as "institutional controls" in previous VCPRP regulations and guidance, can be used as a component of a preferred alternative but only in cases where selected cleanup standards are in excess of KDHE's unrestricted residential use levels. Refer to Section 19 for additional information on the EUC Program.



Thorough evaluation of cleanup alternatives in the Voluntary Cleanup Proposal process may prevent unforeseen consequences in the cleanup phase.

1.12 Voluntary Cleanup Plan

Following the approval of a proposed method for cleanup by KDHE, a Voluntary Cleanup Plan will be submitted by the voluntary party. The Voluntary Cleanup Plan should follow applicable guidance contained in this document to expedite review and approval. The Voluntary Cleanup Plan should include the following:

- 1) A description of all tasks necessary to implement the preferred remedial alternative;
- 2) Preliminary or final design plans and specifications for the preferred remedial alternative;
- 3) A description of easements and permits (federal, state or local) that may be required;
- 4) An implementation schedule;
- 5) A plan to monitor the effectiveness of the cleanup during implementation and operation; and,
- 6) A verification plan to document that cleanup objectives have been achieved at the project's conclusion.



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Cleanup of contamination can often be closely integrated with redevelopment of a property.

Following review and acceptance of the Voluntary Cleanup Plan by KDHE, a public notice of the proposed plan will be published.

1.13 Public Participation

Public participation is required for properties in the VCPRP where a cleanup is deemed necessary. Public participation is required to assure an affected community that the planned cleanup actions will adequately address the risks that a contaminated property may pose to public health and the environment.

The public participation process begins at the point when the Voluntary Cleanup Plan has been accepted by KDHE. KDHE will consult with the voluntary party to develop a notice of KDHE's acceptance of the plan. The notice, which may consist of a legal notice or an



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The VCPRP encourages consideration of innovative cleanup approaches and technologies.

advertisement, is published in a local newspaper of general circulation in the vicinity of the contaminated property. Public notices will extend at least 15 days from the official posting date and will provide the public an opportunity to review and, if desired, submit written comments regarding the Voluntary Cleanup Plan. During this public notice period, the public may request a public information meeting. In addition to the public notice, a notice of the Voluntary Cleanup Plan may be mailed directly to the appropriate units of local government.

KDHE will respond to all public comments in writing and make a determination as to whether the comments provide rational justification to modify the Voluntary Cleanup Plan. Once the public participation process is complete and no subsequent modifications have been deemed necessary, KDHE will approve the Voluntary Cleanup Plan.

1.14 Voluntary Cleanup

The purpose of a Voluntary Cleanup is to attain a degree of cleanup or protective environmental use controls or both, for contaminants at a property based on current or future land use as determined by local zoning laws. Therefore, property location, surrounding human and environmental receptors and future land use are as important in determining the level of cleanup required as the type and concentration of contaminants present. If a property is to be redeveloped for residential use, a higher level of cleanup could be required than if a contaminated industrial property is to be redeveloped for use by



Ground water cleanup will be required at some VCPRP properties.



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another industry. Under the VCPRP, the voluntary party may select from the following three approaches to determine approvable cleanup levels for their property. More stringent cleanup levels are generally required for future residential use properties than are required for properties slated for non-residential use:

- 1) Cleanup to background levels following KDHE-approved methods to determine what the background level should be;
- 2) Cleanup to contaminant-specific risk-based levels established by KDHE; or,
- 3) Cleanup to levels determined by a property-specific risk-based analysis conducted in accordance with KDHE guidance.

The VCPRP is purposely flexible in the choice of remedial actions to be implemented. Cleanup of contamination through the VCPRP should be cost-effective and provide the necessary level of protection to health and the environment. Innovative technologies, environmental use controls and natural processes will be considered if the level of protection is maintained.

1.15 Verification Sampling

Each Voluntary Cleanup Plan approved by KDHE will have a component devoted to determining if and when the implemented plan has been completed. This will generally involve



environmental sampling of the contaminated media by both the applicant and KDHE. This sampling will confirm that target cleanup levels have been achieved so that KDHE may issue a No Further Action determination. If cleanup targets have not been achieved and a threat to human health or the environment continues to exist at the subject property, additional time may be required for the remediation plan to achieve the cleanup goal or another plan may have to be developed to reach the required level of protection. These situations will be handled on a case-by-case basis.

Verification sampling is typically required to establish that cleanup activities have been effective.



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VCPRP project managers will conduct oversight of verification sampling activities to help validate completion of cleanup.

1.16 No Further Action Determination

A release from further state liability for previous contamination at a property is the primary incentive of the VCPRP. When a voluntary party participates in and follows the program's requirements, the program certifies at the conclusion of the project that cleanup is complete. This certification, through a No Further Action determination, provides the voluntary party with assurance the property will not require further action as long as property conditions at the time of issuing the No Further Action determination do not change. This type of assurance from KDHE is designed to encourage cleanups and stimulate redevelopment of contaminated properties by relieving the voluntary parties' concerns about the extent of future liability and cleanup costs.

The VCPRP offers a No Further Action determination which indicates voluntary actions have been completed in accordance with the program's standards and rules, and KDHE does not require further action at the property.

Generally, there are four unique situations where KDHE may issue a No Further Action determination for eligible properties: 1) insignificant contamination; 2) approved remediation; 3) no contamination detected at the property; and, 4) contamination from an off-property source.



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The No Further Action determination provides assurances which alleviate environmental liability concerns thus encouraging cleanup and stimulating redevelopment of valuable property that may have otherwise been considered undesirable.

- 1) **Insignificant Contamination:** Applies to properties for which KDHE determines that contamination detected during an environmental assessment and/or KDHE-approved VCI presents no significant risk to human health and the environment and contaminant levels are less than applicable federal or state standards.
- 2) **Approved Remediation:** Applies to properties which have been remediated in accordance with a KDHE-approved Voluntary Cleanup Plan and where the success of that plan has been confirmed by verification sampling. Approved remediation can include cleanups reliant on Environmental Use Controls that provide for future monitoring of residual contamination, maintenance of protective structures, and other mechanisms that ensure future protection of human health and the environment.
- 3) **No Contamination:** Applies to properties where no contamination is indicated based on environmental assessments or VCI reports submitted by the voluntary party. The environmental assessment or investigation will document that the past and current uses of the property have not contributed to contamination of soils, surface water or ground water.
- 4) **Off-Property Source of Contamination:** Applies to properties impacted by contamination documented to originate from an off-property source. Under this scenario, a No Further Action determination can only be issued if the source property is being addressed by KDHE or the Environmental Protection Agency



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through an agreement or by regulatory actions. In addition, to qualify for a No Further Action determination under this scenario, KDHE must determine that the contamination on the subject property resulted exclusively from an off-property source and there is no on-property source of contamination.

No Further Action determinations issued by KDHE may contain appropriate disclaimers, limitations, or conditional terms for the specific circumstances at the property. These conditional terms may include environmental use controls that provide for future maintenance and inspections of remedial measures implemented at a property. The issuance of a No Further Action determination applies only to identified conditions on the property and is based upon applicable statutes, rules and regulations that exist at the time of completion of the voluntary activities.

1.17 Close Out of Voluntary Cleanup Actions

Upon receipt of a No Further Action determination letter, the voluntary party will record the No Further Action determination letter with any required attachments on the title of property with the County Register of Deeds office. The voluntary party will then complete and submit an affidavit (provided on a form developed by KDHE) to KDHE attesting that the appropriate documentation has been recorded. The No Further Action determination becomes a permanent record for the successors and assignees of the property and is also retained as a permanent record by KDHE. Once the No Further Action determination letter and attachments have been appropriately filed and the affidavit returned to KDHE, a closure letter officially terminating the voluntary agreement will be issued by KDHE. Leftover funding provided by the voluntary party through initial or subsequent deposits will be refunded to the voluntary party.

1.18 Summary of VCPRP Program Activities Since 1997

In accordance with K.S.A. 65-34,173, KDHE publishes annually in the Kansas Register, the official State of Kansas newspaper published through the office of the Kansas Secretary of State (http://www.kssos.org/pubs/pubs_kansas_register.html), a summary of the number of applicants to the VCPRP, the general categories of applicants, and the number of cleanups completed through the VCPRP. The "Annual Program Report for the VCPRP" for a specific calendar year is developed to provide the information published in the Kansas Register. A copy of the annual report can be obtained by contacting the VCPRP Coordinator.

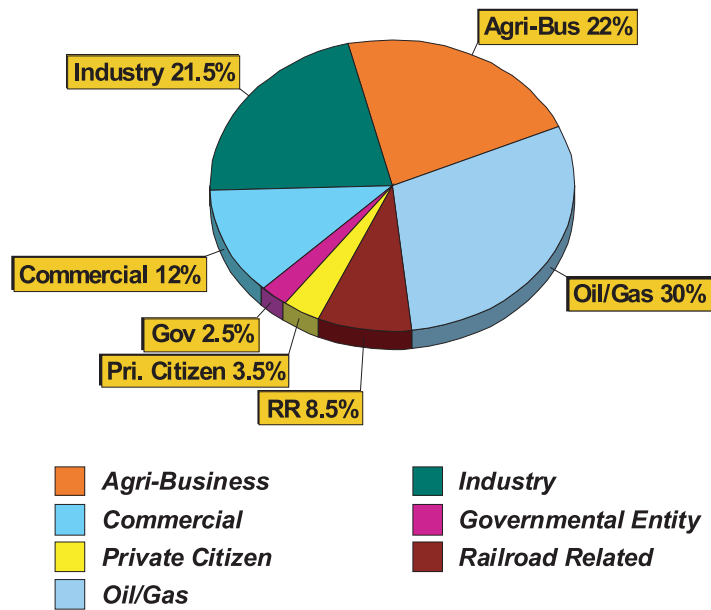
KDHE received the first application to the VCPRP in September, 1997. By the end of calendar year 2004, a total of 357 applications have been received by the VCPRP, with 353 applications approved. Applications to the VCPRP involve a variety of types of properties including oil and gas, agri-business, industrial, commercial, and railroad related properties with some applications received for properties owned or operated by governmental entities and private citizens. Figure 1 provides a general breakdown of the percentages of types of properties that have applied to the VCPRP as of December 2004.



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Figure 1
Summary of VCPRP Applicant Categories



The VCPRP has issued 92 No Further Action determinations to Voluntary Parties by the end of 2004. Figure 2 provides a general representation of key VCPRP activity statistics as of December 2004



Figure 2
Cumulative Voluntary Actions

